

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Marcus McKinley FREEMAN

Case: 2:23-mj-30158

Assigned To : Unassigned

Assign. Date : 4/14/2023

Case No.

Description: RE: SEALED MATTER
(EOB)

CRIMINAL COMPLAINT

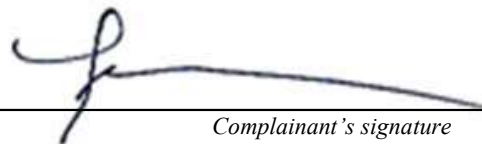
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 23, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 922(g)(1)

Felon in possession of a Firearm and Ammunition

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: April 13, 2023City and state: Detroit, Michigan
*Complainant's signature*Special Agent Troy Williams - ATF*Printed name and title**Judge's signature*Hon. David R. Grand, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT

I, Troy Williams, being first duly sworn, hereby depose and state as follows:

EXECUTIVE SUMMARY

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is investigating Marcus FREEMAN (B/M, DOB:XX/XX/1986) for illegally possessing a firearm and ammunition as a convicted felon. This investigation relates to a Shot Spotter (patented system of sensors, algorithms and artificial intelligence that accurately detects, locates and alerts police to gunfire) notification police run, that occurred on March 20, 2023, at 18685 Gilchrist Street in Detroit, Michigan and is documented under Detroit Police Department (DPD) report number 230320-0223. According to the victim, on March 20, 2023, she and FREEMAN engaged in a verbal argument which lead to FREEMAN discharging his firearm four times outside of the residence, before departing the location. As a result, Detroit Police Officers recovered four spent 9mm cartridge casings, which lead to National Integrated Ballistic Information Network (NIBIN) pattern 774-23-000564. Agents conducted a follow-up investigation and subsequently reviewed Ring doorbell surveillance video that displayed the incident documented in DPD report number 230320-0223.

2. The information outlined below is for the limited purpose of establishing probable cause that FREEMAN has violated federal law, including

felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1) (Target Offense) and this affidavit does not contain all the information known to law enforcement related to this investigation.

AGENT BACKGROUND

3. I am a Special Agent with the ATF and have been since March 2022. I have had extensive law enforcement training, including at the Federal Law Enforcement Training Center in the Criminal Investigator Training Program and ATF Special Agent Basic Training. I also have a bachelor's degree in criminal justice.

4. Prior to becoming a Special Agent with the ATF, I was employed with the Detroit Police Department (DPD) for approximately five years as police officer before becoming a sergeant. During my employment with DPD, I was assigned to multiple specialized units including but not limited to the ATF Task Force as a task force officer. As an ATF task force officer, I investigated criminal violations relating to firearms, firearms trafficking, criminal street gangs and narcotics both as a case agent and assisting officer.

5. The statements in this affidavit are based on my personal knowledge from my direct involvement in this investigation; communications with others who have personal knowledge of the events and circumstances described herein; information provided by other law enforcement agents; and information gained

through my training and experience as well as the training and experience of other experienced law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that Marcus FREEMAN (DOB: XX/XX/1986), a felon, has possessed a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1) (Target Offense).

I. Shot Spotter Notification Indicates FREEMAN Was in Possession of a Firearm and ammunition.

7. Detroit Police Department (DPD) Police Officer (PO) Fabio Buscemi and other DPD police officers have been investigating FREEMAN as the suspect involved in a Shot Spotter notification, documented in DPD report number 230320-0223 that occurred on March 20, 2023. On that date, DPD officers responded to 18685 Gilchrist in Detroit for a report of multiple shots fired.

8. Upon arrival, DPD officers spoke to the victim who advised that she and her child's father, identified as FREEMAN, engaged in a verbal altercation relating to child support. According to the victim, FREEMAN grew irate and threatened to shoot the victim's dog. FREEMAN then left the residence and

discharged his firearm towards the ground four (4) times before departing the area in a dark gray Mazda.

9. DPD officers recovered four 9 millimeter (mm) shell casings from outside of 18685 Gilchrist. On March 21, 2023, DPD Officer Kristen Nieman entered the recovered shell casings into the National Integrated Ballistic Information Network (NIBIN) which revealed a significant lead indicating the 9mm shell casings recovered on March 20, 2023, and the 9 mm shell casings recovered on December 30, 2022, from a Shot Spotter notification incident at 18336 Grandville, documented under DPD report number 221230-0289, were likely fired from the same firearm.¹

10. On March 27, 2023, I reviewed a Secretary of State photograph of FREEMAN, as shown in image 1, and a computerized criminal history (CCH) report for FREEMAN, which indicates FREEMAN has at least five prior felony convictions. In August 2005, he was convicted for attempt felony weapons carrying concealed; in October 2007 he was convicted for felony controlled substance

¹ NIBIN is a national network, operated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), that allows for the capture and comparison of ballistic evidence to aid in solving violent crimes involving firearms. NIBIN technology compares images of submitted ballistic evidence from shooting scenes and recovered firearms and produces a list of possible similar results. NIBIN technicians then conduct a correlation review of these results, identifying NIBIN “leads” or potential links or associations from the same firearm. A NIBIN lead is an unconfirmed, potential association between two or more pieces of firearm ballistic evidence and is based on a correlation review of the digital images in the NIBIN database. When needed for court or other purposes, a firearms examiner will conduct a microscopic examination of the actual physical evidence to confirm a NIBIN lead as a “hit.” A NIBIN hit occurs when two or more firearms ballistic evidence acquisitions are identified as a confirmed match by a firearms examiner—that is, when the examiner determines that particular casings were fired from the same firearm, or a particular casing was fired from a particular firearm.

delivery/manufacturing cocaine, heroin or another narcotic; in October 2007 he was convicted for felony larceny from the person; in October 2009 he was convicted for felony copying audio/video recordings for gain; in January 2017 he was convicted felony assault with intent to do great bodily harm less than murder or by strangulation – enhanced to felony habitual offender fourth offense; weapons firearms possession by felon; felony weapons felony firearm; felony weapons carrying concealed; felony weapons dangerous weapon carrying with unlawful intent.



Image 1

II. Surveillance video of the Shot Spotter incident documented in DPD report 230320-0223.

11. On March 27, 2023, Special Agent Kimberly Dent and I, obtained and reviewed ring-doorbell surveillance video from 18685 Gilchrist relating to the Shot

Spotter notification incident documented under DPD report 230320-0223. During a review of the surveillance video, I observed a male exit the front door of residence, wearing a black hooded sweatshirt and blue jeans and in possession of a firearm. Specifically, I observed the male proceed down the stairs towards a dog, after stating “I should bust this bitch ass dog”. Furthermore, the male discharged his firearm four times towards the ground where a small dog was present before entering a gray vehicle, parked in the driveway, subsequently departing the area. Below, titled Image 2, is an annotated image captured from the surveillance video that depicts the male exiting 18685 Gilchrist. Below, titled Image 3, is an annotated image captured from the surveillance video. Below, titled Image 4, is an annotated image captured from the surveillance video which shows the male in possession of a firearm in his right hand prior to discharging it.



Image 2- annotated



Image 3- annotated



Image 4- annotated

12. I compared FREEMANS' SOS Michigan Driver's License photograph to the above images 1 through 4, captured from the Ring doorbell surveillance video. I compared physical features, such as: hair color, weight, height, skin complexion and physique. Based on my review of the video in correlation with the victim statement taken by DPD officers on March 20, 2023, I concluded that the individual in the Ring doorbell surveillance video is FREEMAN.

13. Special Agent Michael Jacobs, an ATF interstate nexus expert, SA Jacobs was provided with a description of the headstamp of a casing that was recovered from the March 20, 2023, shooting scene. The head stamp on therecovered casing reads "CCI Luger 9mm". Special Agent Jacobs advised that,


based on his training and experience, the description of the casing, and without physically examining the casing, the ammunition was manufactured outside the State of Michigan, and thus had traveled in and affected interstate or foreign commerce. Special Agent Jacobs also advised there are currently not commonly recognized or mass-produced licensed firearm manufacturers in the state of Michigan. Therefore, it is likely that the firearm possessed and used by FREEMAN in connection with the March 20, 2023, incident traveled in and affected interstate or foreign commerce.

14. I know based on training and experience that because of FREEMAN's prior felony convictions, FREEMAN cannot lawfully purchase or possess a firearm or ammunition.

CONCLUSION


15. There is probable cause to believe that Marcus FREEMAN, a convicted felon, was in possession of a firearm and the above-described casing cartridges on March 20, 2023, said ammunition traveled in interstate commerce, in violation of 18 U.S.C. § 922(g)(1). It is further believed probable cause exists that these violations occurred within the Eastern District of Michigan.

Respectfully submitted,



Troy Williams
ATF Special Agent

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Hon. David R. Grand
United States Magistrate Judge

Dated: April 13, 2023